

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

United States of America,)
vs.)
Plaintiff,)
vs.)
Shane Twigg,) Case No.: A-05-0041 CR. (RRB)
Defendant.)
=====)

NON-OPPOSED MOTION ON SHORTENED TIME TO CONTINUE SENTENCING

A period of excludable delay under 18 U.S.C. 3161(h)(1)(F) may occur as a result of the filing/granting/denying of this motion.

COMES NOW, Shane Twigg, by and through counsel, Robert M. Herz, of the Law Offices of Robert Herz, P.C., and hereby moves this court to continue the sentencing that is presently scheduled in this matter for Friday, September 29, 2006.

This court ordered on July 27, 2006 that the state of Alaska Division of Juvenile Justice produce and deliver all portions of defendant's juvenile case and probation file to counsel on or before August 7, 2006. Counsel did not receive the file until August 24, 2006. The file consists of at least 700 pages.

Counsel only had four business days to begin review of the file and then counsel had a family emergency. Counsel's son was hospitalized in Pediatrics ICU on August 31, 2006 at Providence Hospital after being placed on a ventilator and airlifted from Wasilla. Counsel did not return to the office to work at all until September 6, 2006. Thereafter, counsel has worked

part time until just recently. Counsel needs additional time to review said file(s) and to investigate and conduct follow up based on that review.

Counsel has spoken with AUSA Nesbett who non-opposes this motion to continue and also joins in said motion. Mr. Nesbett will not be available the week of September 25, 2006 including the day for which sentencing is presently scheduled. Mr. Nesbett will be back into his office on Monday October 2nd. However, counsel for Mr. Twigg will be out of state from October 2 through October 8th. The parties request that the sentencing be continued for 30 days or anytime thereafter that is convenient to the court. Counsel has spoken with Mr. Twigg and he does not object to the sentencing being continued.

DATED at Anchorage, Alaska, this 25th day of September 2006.

THE LAW OFFICES OF ROBERT HERZ, PC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of September 2006, a true and correct copy of the Motion to Continue Sentencing was faxed to the following: USPO Scott Kelley (271-3060) and served electronically on the US Attorney By: s/Robert Herz